

ENTERED

December 09, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

| | | |
|---------------------------------|---|-------------------------------|
| A-S 1-3 SAM HOUSTON TOWN CENTER | § | |
| LP, | § | |
| | § | |
| Plaintiff, | § | |
| VS. | § | CIVIL ACTION NO. 4:19-CV-2664 |
| | § | |
| SOS FURNITURE COMPANY, INC., | § | |
| | § | |
| Defendant. | § | |

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court in the above referenced proceeding is Plaintiff's Motion for Summary Judgment (Doc. No. 14) and Judge Stacy's Memorandum and Recommendation (Doc. No. 16) that the Court grant the Motion for Summary Judgment. Defendant SOS Furniture Company, Inc. neither responded to the motion for summary judgment nor did Defendant object to the Memorandum and Recommendation. Thus, under Local Rule 7.4, the motion and memorandum are deemed unopposed.


Upon review, the Court agrees with the Magistrate Judge's conclusion that Defendant SOS Furniture Company, Inc. is liable as the guarantor of the lease between Plaintiff and Mattress Pal Holdings, LLC for breach of lease agreement and available damages. Accordingly, it is therefore

ORDERED that the Memorandum and Recommendation (Doc No. 16) is **ADOPTED** and Plaintiff's Motion for Summary Judgment (Doc. No. 14) is **GRANTED**. It is further

ORDERED that Judgment against Defendant SOS Furniture Company, Inc. will be entered in the amount of \$360,824.57, plus prejudgment interest in the amount of \$79,951.97

through September 3, 2020 (and \$177.45 per day thereafter until judgment is entered), plus attorney's fees and costs in the amount of \$12,720.21.

SIGNED at Houston, Texas, this 9th day of December 2020.

A handwritten signature in black ink, appearing to read 'Andrew S. Hanen', written over a horizontal line.

ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE